

S/N: 10/028,093
Response dated 6/13/05
Response to Office Action dated 12/13/04

REMARKS

Claims 1-7 remain pending. Applicant respectfully requests reconsideration of the pending rejection based on the following comments.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,389,454 to Ralston et al. ("Ralston") in view of U.S. Patent Application Publication No. 2002/0007287 to Straube et al. ("Straube"). In discussing the Ralston and Straube references, Applicant is making no admission that these references have a filing date that predates the present invention.

In its last Amendment, Applicant argued that Ralston failed to show "determining at the server system whether schedules associated with the patient identification and resource identification are stored in local memory to the server system." In the current Office Action, the Examiner has stated at page 3, "Ralston et al does not explicitly disclose determining, at the server system, whether schedules associated with the patient identification and resource identification are stored in local memory to the server system."

The current Office Action relies on Straube as allegedly showing this feature. A review of Straube shows that this feature is not described or taught therein as well. Looking at para. 38 of the reference it states as follows:

S/N: 10/028,093

Response dated 6/13/05

Response to Office Action dated 12/13/04

If a user requests information from a database server 111 and the result yields a large block of data, such as an image, the client software may first check for a local copy of the data. If a local copy exists, date and time stamps or other identifiers can be compared. If the identifier comparison shows that data stored in the data warehouse 112 is newer than that which is stored locally, the data is downloaded from the data warehouse 112. However, if the local copy has the same identifier or is newer than the copy on the database server 111, the local copy may be used, thus avoiding a lengthy download. (Emphasis supplied).

“Client software” as used in this paragraph refers to software running on the client’s computer such as elements 101 and 103 in Fig. 1 (see paragraph 33). Accordingly, any checking that is done in Straube is done at the client’s computer. Thus, if the client already has the most up-to-date version of the requested image, then a lengthy download is avoided.

Since neither of the references teach or suggest determining, at the server system, whether schedules associated with the patient identification and resource identification are stored in local memory to the server system, reconsideration and withdrawal of the rejection of claims 1-7 under 35 U.S.C. § 103(a) is respectfully requested.

S/N: 10/028,093
Response dated 6/13/05
Response to Office Action dated 12/13/04

CONCLUSION

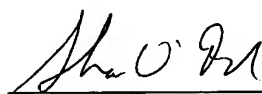
For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (202) 220-4255 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

Dated: 6/13/05

By: 
Shawn W. O'Dowd (Reg. No. 34,687)

KENYON & KENYON
1500 K Street, N.W.
Suite 700
Washington, DC 20005
(202) 220-4200 telephone